

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

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In re: Chapter 11

East Broadway Mall, Inc.,

Case No: 19-12280 (DSJ)

Debtor.

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**ORDER ESTABLISHING DEADLINE FOR FILING ADMINISTRATIVE EXPENSE CLAIMS INCURRED
AFTER OCTOBER 27, 2022 AND APPROVING THE FORM AND MANNER OF NOTICE THEREOF**

Upon the application of the above-captioned debtor (the "Debtor"), for an order, pursuant to Federal Rule of Bankruptcy Procedure ("Bankruptcy Rule") 3003(c)(3), fixing a deadline (the "Administrative Claim Bar Date") and establishing procedures for filing proofs of claim and approving the form and manner of service thereof, and it appearing that the relief requested is in the best interests of the Debtor, its estate, and creditors and that adequate notice has been given and that no further notice is necessary; and after due deliberation and good and sufficient cause appearing therefor, it is hereby

ORDERED, that except as otherwise provided herein, all persons and entities (including, without limitation, individuals, partnerships, corporations, joint ventures, trusts, and governmental units) that assert an administrative expense claim against the Debtor that is allowable under §§503(b) and 507(a)(2) of the Bankruptcy Code as an expense of administration of the Debtor's estate incurred after October 27, 2022, shall file a proof of such claim in writing or electronically on the Court's website at www.nysb.uscourts.gov so that it is received on or before **June 30, 2023**; and it is further

ORDERED, that the following procedures for the filing of proofs of claim shall apply:

(a) Proofs of claim must conform substantially to Official Bankruptcy Form No. 410

(b) Attorneys (with full access accounts) and employees of institutional creditors (with limited access accounts) should file proofs of claim electronically on the Court's Case Management/Electronic Case File ("CM/ECF") system. Those without accounts with the CM/ECF system may electronically create and file proofs of claim through the "File A Proof of Claim" link on the Court's website at www.nysb.uscourts.gov or by mailing or delivering the original proof of claim to the **United States Bankruptcy Court, Southern District of New York, Manhattan Division, One Bowling Green, Rm. 614, New York, NY 10004-1408**;

(c) Proofs of claim will be deemed filed only when received by the Clerk of the Bankruptcy Court on or before the Bar Date;

(d) Proofs of claim must (i) be signed; (ii) include supporting documentation (if voluminous, attach a summary) or an explanation as to why documentation is not available; (iii) be in the English language; and (iv) be denominated in United States currency; and it is further

ORDERED, that the following persons or entities need not file a proof of claim on or prior to the Bar Date:

(a) Any person or entity that has already filed a proof of claim against the Debtor in the above-captioned case in a form substantially similar to Official Bankruptcy Form No. 410;

- (b) Any holder of a claim that heretofore has been allowed by Order of this Court;
- (c) Any person or entity whose claim has been paid in full by the Debtor;
- (d) Any holder of a claim for which specific deadlines have previously been fixed by this Court;

ORDERED, that pursuant to Bankruptcy Rule 3003(c)(2), all holders of claims that fail to comply with this Order by timely filing a proof of claim in appropriate form shall not be treated as a creditor with respect to such claim for the purposes of distribution; and it is further

ORDERED, that a copy of the notice substantially in the form attached hereto as **Exhibit A** is approved and shall be deemed adequate and sufficient if served by first-class mail at least thirty-five (35) days prior to the Bar Date on:

- (a) The United States Trustee;
- (b) All persons or entities that have requested notice of the proceedings in the chapter 11 case;
- (c) All persons or entities that have filed claims;
- (d) All creditors and other known holders of claims as of the date of this Order, including all persons or entities listed in the Schedules as holding claims;
- (e) All parties to executory contracts and unexpired leases of the Debtors;
- (f) All parties to litigation with the Debtor;
- (g) The Internal Revenue Service for the Southern District of New York and, if required by Bankruptcy Rule 2002(j), the Securities and Exchange Commission and any other required governmental units (a list of such agencies is available from the Office of the Clerk of the Court); and
- (h) Such additional persons and entities as deemed appropriate by the

Debtor; and it is further

ORDERED, that the Debtor is authorized and empowered to take such steps and perform such acts as may be necessary to implement and effectuate the terms of this Order; and it is further

ORDERED, that entry of this Order is without prejudice to the right of the Debtor to seek a further order of this Court fixing a date by which holders of claims or interests not subject to the Bar Date established herein must file such proofs of claim or interest or be barred from doing so.

EXHIBIT A

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

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In re: Chapter 11

East Broadway Mall, Inc.,

Case No. 19-12280 (DSJ)

Debtor.

----- X

**NOTICE OF DEADLINE REQUIRING FILING OF ADMINISTRATIVE EXPENSE CLAIMS
INCURRED ON OR AFTER OCTOBER 27, 2022 ON OR BEFORE JUNE 30, 2023**

**TO ALL PERSONS AND ENTITIES WITH ADMINISTRATIVE EXPENSE CLAIMS AGAINST EAST
BROADWAY MALL INC.**

The United States Bankruptcy Court for the Southern District of New York has entered an Order establishing **June 30, 2023** (the "Administrative Claim Bar Date") as the last date for each person or entity (including individuals, partnerships, corporations, joint ventures, trusts and governmental units) to file an administrative expense claim for claims incurred on or after October 27, 2022 against the Debtor listed above (the "Debtor").

The Administrative Claim Bar Date and the procedures set forth below for filing any claim allowable under §§503(b) and 507(a)(2) of the Bankruptcy Code as an expense of administration of the Debtor's estate applies to all claims which arose subsequent to October 26, 2022, the bar date previously fixed by this Court for the filing of both pre-petition and administrative claims against the Debtor.

I. WHO MUST FILE A PROOF OF CLAIM

You **MUST** file a proof of claim to share in distributions from the Debtor's bankruptcy estate if you have a claim that is allowable under §§503(b) and 507(a)(2) of the Bankruptcy Code as an expense of administration of the Debtor's estate **which arose on or after October 27, 2022** and it is not one of the types of claims described in Section 4 below.

Under Section 101(5) of the Bankruptcy Code and as used in this Notice, the word "claim" means: (a) a right to payment, whether or not such right is reduced to judgment, liquidated, unliquidated, fixed, contingent, matured, unmatured, disputed, undisputed, legal, equitable, secured, or unsecured; or (b) a right to an equitable remedy for breach of performance if such breach gives rise to a right to payment, whether or not such right to an equitable remedy is reduced to judgment, fixed, contingent, matured, unmatured, disputed, undisputed, secured, or unsecured.

2. WHAT TO FILE

Your filed proof of claim must conform substantially to Official Form No. 410; a case-specific proof of claim form accompanies this notice. Additional proof of claim forms may be obtained at www.uscourts.gov/forms/bankruptcy-forms.

All proof of claim forms must be signed by the claimant or, if the claimant is not an individual, by an authorized agent of the claimant. It must be written in English and be denominated in United States currency. You should attach to your completed proof of claim any documents on which the claim is based (if voluminous, attach a summary) or an

explanation as to why the documents are not available.

Your proof of claim form must not contain complete social security numbers or taxpayer identification numbers (only the last four digits), a complete birth date (only the year), the name of a minor (only the minor's initials) or a financial account number (only the last four digits of such financial account).

3. WHEN AND WHERE TO FILE

Except as provided herein, all administrative expense proofs of claim must be filed so as to be received **on or before June 30, 2023.**

Attorneys (with full access accounts) and employees of institutional creditors (with limited access accounts) should file proofs of claim electronically on the Court's Case Management/Electronic Case File ("CM/ECF") system.

Those without accounts to the CM/ECF system may create and electronically file their proofs of claim through the "File A Proof of Claim" link on the Court's website, www.nysb.uscourts.gov, or by mailing or delivering the original proof of claim to the Court at the address provided below:

**United States Bankruptcy Court
Southern District of New York
One Bowling Green, Room 614
New York, New York 10004-1408**

Proofs of claim will be deemed filed only when received by the Bankruptcy Court on or before the Bar Date. Proofs of claim may not be delivered by facsimile, telecopy, or electronic mail transmission.

4. CLAIMS FOR WHICH PROOFS OF CLAIM NEED NOT BE FILED

You do **not** need to file a proof of claim on behalf of a claim on or prior to the Bar Date if the claim falls into one of the following categories:

- (a) Any claim that has already been asserted in a proof of claim against the Debtor with the Clerk of the Bankruptcy Court for the Southern District of New York in a form substantially similar to Official Bankruptcy Form No. 410;
- (b) Any claim that has previously been allowed by Order of this Court;
- (c) Any claim that has been paid in full by the Debtor;
- (d) Any claim for which a different deadline has previously been fixed by this Court;

This Notice is being sent to many persons and entities that have had some relationship with or have done business with the Debtor but may not have an unpaid claim against the Debtor. The fact that you have received this Notice does not mean that you have a claim or that the Debtor or the Court believes that you have a claim against the Debtor.

5. CONSEQUENCES OF FAILURE TO FILE AN ADMINISTRATIVE EXPENSE PROOF OF CLAIM BY THE BAR DATE

ANY HOLDER OF AN ADMINISTRATIVE EXPENSE CLAIM THAT AROSE ON OR AFTER OCTOBER 27, 2022 THAT IS NOT EXEMPTED FROM THE REQUIREMENTS OF THIS ORDER, AS SET FORTH IN SECTION 4 ABOVE, AND THAT FAILS TO TIMELY FILE A PROOF OF CLAIM IN THE APPROPRIATE FORM SHALL NOT BE TREATED AS A CREDITOR WITH RESPECT TO SUCH CLAIM PARTICIPATING IN ANY DISTRIBUTION IN THE DEBTOR'S CASE ON ACCOUNT OF SUCH CLAIM.

A holder of a possible administrative claim against the Debtor should consult an attorney regarding any matters not covered by this Notice, such as whether the holder should file a proof of claim.

Dated: New York, New York
April , 2023

BY ORDER OF THE COURT

**COUNSEL FOR THE DEBTOR
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